

REMARKS

The present Amendment amends claims 2-4, 6-9, 12, 13, 15, 16 and 20, cancels claims 1, 10, 11, 14, 17 and 18 and leaves claims 5 and 19 unchanged. Therefore, the present application has pending claims 2-9, 12, 13, 15, 16, 19 and 20.

In paragraph 2 of the Office Action the Examiner requested that Applicants check the specification to the extent necessary to uncover all possible minor errors. The specification was reviewed and corrections were made to correct minor errors grammatical and editorial in nature discovered upon review. Therefore, this objection is overcome and should be withdrawn.

The Examiner's cooperation is respectfully requested to identify any errors the Examiner may be aware of so that such errors may be immediately corrected to expedite prosecution of the present application.

In paragraph 3 of the Office Action the Examiner objected to the title as not being descriptive of the present invention. The title of the invention was changed to "INFORMATION PROCESSING SYSTEM AND MANAGEMENT DEVICE FOR MANAGING RELOCATION OF DATA BASED ON A CHANGE IN THE CHARACTERISTICS OF THE DATA OVER TIME" which Applicants submit is descriptive of the invention. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Claims 1-16 and 18-20 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as their invention. As indicated above, claims 1, 10, 11, 14 and 18 were canceled. Therefore, this rejection with respect to claims 1, 10, 11, 14 and 18 is rendered moot.

BEST AVAILABLE COPY

Amendments were made to the remaining claims to overcome the 35 USC §112, second paragraph rejection. Therefore, reconsideration and withdrawal of this rejection with respect to claims 2-9, 12, 13, 15, 16, 19 and 20 is respectfully requested.

Applicants acknowledge the Examiner's in paragraph 13 of the Office Action that claim 20 would be allowable if rewritten or amended to overcome the rejection under 35 USC §112, second paragraph. Amendments were made to claim 20 to overcome the 35 USC §112, second paragraph rejection. Therefore, claim 20 is allowable as indicated by the Examiner.

Applicants also acknowledge the Examiner's indication in paragraph 14 of the Office Action that claims 2-6, 12 and 13 would be allowable if rewritten to overcome the 35 USC §112, second paragraph and to include all the limitations of the base claim and any intervening claims. Amendments were made to claims 2-6, 12 and 13 to place them in independent form including all the limitations of the base claim and any intervening claims. Therefore, claims 2-6, 12 and 13 are allowable as indicated by the Examiner.

It should be noted that amendments were made to claims 7-9, 15 and 16 to make them dependent either directly or indirectly on claim 2. Since claim 2 is now allowable, Applicants submit that claims 7-9, 15 and 16 are also allowable.

Applicants note that the Examiner did not reject claim 19 based upon prior art. Claim 19 was amended to overcome the 35 USC §112, second paragraph rejection and therefore is now allowable.

BEST AVAILABLE COPY

Therefore, claims 2-9, 12, 13, 15, 16, 19 and 20 are allowable being that they have been amended to include the subject matter indicated by the Examiner as being allowable.

Claims 1, 7-11, 14, 17 and 18 stand rejected under 35 USC §102(b) as being anticipated by Kamiyama (U.S. Patent No. 5,893,139). As indicated above, claims 1, 10, 11, 14, 17 and 18 were canceled. Therefore, this rejection with respect to claim 1, 10, 11, 14, 17 and 18 is rendered moot. This rejection with respect to the remaining claims 7-9 is traversed being that as indicated above claims 7-9 were amended to depend from allowable base claim 2. Thus, the subject matter of claims 7-9 are not taught or suggested by any of the references of record particularly Kamiyama whether taken individually or in combination with each other. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In view of the foregoing amendments and remarks, applicants submit that claims 2-9, 12, 13, 15, 16, 19 and 20 are in condition for allowance. Accordingly, early allowance of claims 2-9, 12, 13, 15, 16, 19 and 20 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any

BEST AVAILABLE COPY

overpayment of fees, to the deposit account of MATTINGLY, STANGER,
MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.43789X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 684-1120

BEST AVAILABLE COPY